

**CV 11 - 5303**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 01 2011 ★

GERALD VALME,

Plaintiff,

-against-

**BIANCO, J**

Civil Action No.

**BROOKLYN OFFICE**

**SUMMONS ISSUED**

**COMPLAINT**

ASSET MANAGEMENT SERVICES, INC.,

**DEMAND FOR JURY TRIAL**

Defendant(s).

Plaintiff GERALD VALME ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant ASSET MANAGEMENT SERVICES ("AMS") hereinafter referred to as Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, residing at 1 August Lane, Old Westbury, N.Y 11568.

3. Defendant ASSET MANAGEMENT SERVICES, INC. is a company organized in NY, with their address at 6851 Jericho Turnpike, Suite 190, Syosset, NY 11791.

4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party, began collecting an alleged consumer debt from the Plaintiff.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff by calling the Plaintiff and leaving messages on the house phone.

10. The Defendant's messages left on the Plaintiff's answering machine on April 7<sup>th</sup> and 8<sup>th</sup> of 2011 failed to give the proper disclosures identifying themselves as debt collectors.

11. The Defendant violated 15 USC §1692e (11) by failing to disclose that they were debt collectors.

12. The Defendant further violated 15 USC §1692c (b) when calling Plaintiff's father's cell phone (347.210.2127) and then spoke to the Plaintiff's father about the debt. The Defendant during that conversation revealed they were debt collectors, that the

Plaintiff owed a debt.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.

14. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692c (b) and 15 USC §1692e (11).

15. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

16. Plaintiff GERALD VALME hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff GERALD VALME demands judgment from the Defendants ASSET MANAGEMENT SERVICES as follows:

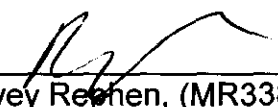
- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);

E. A declaration that the Defendant's practices violated the FD CPA;

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
September 29, 2011

Respectfully submitted,

By:   
M. Harvey Rephen, (MR3384), Esq.  
M. HARVEY REPHEN & ASSOCIATES, P.C.  
708 Third Avenue, 6<sup>th</sup> Floor  
New York, New York 10017  
Phone: (212) 796-0930  
Facsimile: (212) 330-7582  
*Attorney for the Plaintiff Gerald Valme*

To: Asset Management Services, Inc.  
6851 Jericho Turnpike, Suite 190  
Syosset, NY 11791

*(Via Prescribed Service)*

Clerk,  
United States District Court, Eastern of New York  
*(For Filing Purposes)*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CASE NO.:

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COMPLAINT

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